

MANDATE

05-10199
JSD/MA
2006.1

**United States Court of Appeals
For the First Circuit**

No. 06-1809

UNITED STATES,

Appellee,

v.

PASCUAL JOSEPH GUERRIER,

Defendant, Appellant.

Before

Lipez, Circuit Judge,
Campbell, Senior Circuit Judge,
and Howard, Circuit Judge.

JUDGMENT

Entered: December 15, 2006

Counsel has submitted a brief under Anders v. California, 386 U.S. 738 (1967). Upon a careful review of the record on appeal, we agree with counsel that no non-frivolous issue is presented on appeal. Appellant pled guilty in a change of plea hearing held in full compliance with Rule 11. The sentencing hearing was conducted in a manner consistent with the protocol suggested in United States v. Jimenez-Beltre, 440 F.3d 514 (1st Cir. 2006). Because appellant qualified for application of the safety valve, United States Sentencing Guidelines § 5C1.2, he was not subject to the five year mandatory minimum, 21 U.S.C. § 841(b)(1)(B), for the amount of heroin he admitted selling. He was sentenced to serve a 37 month term of imprisonment, the bottom of the applicable advisory sentencing guideline range, which the court deemed a reasonable, appropriate sentence.

The judgment is affirmed.

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

Richard Cushing Donovan, Clerk


Deputy Clerk

Date: 1/8/07